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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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11 IN RE: SOCIAL MEDIA ADOLESCENT
12 ADDICTION/PERSONAL INJURY
13 PRODUCTS LIABILITY LITIGATION

No. 4:22-MD-3047
MDL No. 3047

14 This Document Relates to:
15 ALL ACTIONS

**OMNIBUS SEALING STIPULATION
REGARDING JOINT LETTER BRIEF
REGARDING THE SCOPE OF
DISCOVERY ABOUT THE “TIKTOK
PLATFORM”**

Pursuant to Civil Local Rules 7-11 and 79-5 and this Court's Order Setting Sealing Procedures (ECF No. 341), Plaintiffs and Defendants TikTok, Ltd., TikTok, LLC, TikTok, Inc., ByteDance Ltd., and ByteDance Inc. (collectively referred to in this submission as "TikTok Defendants," and with Plaintiffs as the "Parties") submit this Omnibus Sealing Stipulation Regarding Joint Letter Brief Regarding the Scope of Discovery About the "TikTok Platform."

On May 1, 2024, the Parties filed their Joint Letter Brief Regarding Discovery About the "TikTok Platform" (hereinafter "Joint Letter Brief") (ECF No. 800), together with a Joint Temporary Sealing Motion (ECF No. 801). The Parties filed the Joint Letter Brief with confidentiality redactions (at ECF No. 800), and submitted a sealed unredacted copy of the Joint Letter Brief to the Court (ECF No. 801-1).

The Parties now agree that the following portions of the Joint Letter Brief should remain sealed:

Docket No.	Language to Be Redacted	Basis for Sealing Redactions
ECF Nos. 800/801-1	First redaction in page 1, paragraph 1: beginning after "And TikTok documents show that" and ending before "The U.S. version of its platform."	The language that is the subject of redaction discusses the TikTok Defendants' confidential platform design, testing, and marketing and business strategies; and further characterizes and/or directly quotes from confidential internal memos regarding the same. Disclosure of this information would provide the TikTok Defendants' competitors with insights into the TikTok Defendants' business that they would not otherwise have, and thereby cause competitive harm to the TikTok Defendants. See Declaration of Noreen Yeh; see also <i>Nixon v. Warner Commc'nns, Inc.</i> , 435 U.S. 589, 598 (1978) (stating that "sources of business information that might harm a litigant's competitive standing" properly may be sealed); <i>Phillips ex rel. Estates of Byrd v. General Motors Corp.</i> , 307 F.3d 1206, 1211 (9th Cir. 2002) ("The law . . . gives district courts broad latitude
ECF Nos. 800/801-1	Second redaction in page 1, paragraph 1: beginning after "usage to 'just 40 minutes per day'); and extending through the end of the paragraph.	
ECF Nos. 800/801-1	Only redaction in the first full paragraph of page 2: beginning after "strategies are often global. E.g.," and extending through the end of the paragraph.	
ECF Nos. 800/801-1	Redaction in page 3, line 2: beginning after "how to make TikTok safer. E.g.," and ending before "Thus, what ByteDance has done."	
ECF Nos. 800/801-1	Redaction in the first full paragraph of page 3: beginning after "For example," and ending before	

	<u>“would not have been produced.”</u>	to grant protective orders to prevent disclosure of materials for many types of information, including, but not limited to, trade secrets or other confidential research, development, or commercial information.”).
ECF Nos. 800/801-1	Redaction beginning on page 4 and extending into page 5: beginning after “As another example, Plaintiffs cite to” on page 4 and ending before “(Id. at 2) ” on page 5.	

The Parties agree that the portions of the Joint Letter Brief not listed in the above chart may be unsealed. The TikTok Defendants do not waive, and expressly reserve, their right to move to seal other material from, or derived from, documents quoted, paraphrased, characterized, or otherwise cited in the Joint Letter Brief. The confidentiality or appropriateness of sealing material other than cited portions of the Joint Letter Brief is not currently at issue, and the TikTok Defendants do not waive any right with respect to that material.

Plaintiffs' agreement to allow portions of the Joint Letter Brief to remain under seal is made in a good faith effort to resolve the current dispute and is not a concession that the agreed redactions are mandated by law. Plaintiffs' agreement extends solely to the copy of the Joint Letter Brief and, as such, does not extend to any underlying documents or information within those documents. Plaintiffs reserve all rights to oppose sealing this same or similar information in the future, as well as to unseal or de-designate the Joint Letter Brief in its entirety in the future.

Pursuant to this Court's sealing procedures, the following are attached hereto: (i) a modified copy of the Joint Letter Brief, with the redactions agreed by the Parties listed above; (ii) the Declaration of Noreen Yeh supporting the requests to seal; and (iii) a Proposed Order On Undisputed Sealing Requests.

IT IS SO STIPULATED, through Counsel of Record.

Dated: May 22, 2024

Respectfully submitted,

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